

**MATTHEW A. MELONE, J.D., CPA**

61 Cedar Hill Lane  
Media, PA 19063  
(610) 627-0912

**EDUCATION**

**UNIVERSITY OF PENNSYLVANIA LAW SCHOOL**, Philadelphia, PA.

J.D., *Magna Cum Laude*, May 1993

Member, Moot Court Board; Invited to membership, University of Pennsylvania Law Review

Honors and Awards: *Order of the Coif*; Peter McCall Prize for graduating with the highest grades in the class; Frank H. Gelman Prize for special promise in the field of real estate transactions.

**VILLANOVA UNIVERSITY SCHOOL OF LAW**, Villanova, Pa.

Masters of Taxation, December 1987

**VILLANOVA UNIVERSITY**, Villanova, Pa.

B.S. Accounting, *Cum Laude*, May 1980

**RESEARCH AND SCHOLARSHIP**

**ARTICLES:**

*Adding Insult to Injury: The Federal Income Tax Consequences of the Clawback of Executive Compensation*, 26 Akron Tax J. 55 ( 2010 ).

*Tax Court Upholds Deductions for MBA Tuition*, 84 Tax Strategies 141 ( 2010 ).

*Section 1341 Could Offer Tax Relief for Compensation Clawbacks*, 84 Tax Strategies 96 ( 2010 ).

*Roundup of Significant Income Tax Developments in 2009*, 84 Tax Strategies 26 ( 2010 ).

*Should the United States Tax Sovereign Wealth Funds?*, 26 Boston U. Int'l. L. J. 143 ( 2009 ).

*Roundup of Significant Income Tax Developments Occurring in 2008*, 82 Tax Strategies 30 ( 2009 ).

*Success Breeds Discontent: Reforming the Taxation of Carried Interests – Forcing a Square Peg into a Round Hole*, 46 Duquesne L. Rev. 423 ( 2008 ).

*Roundup of Significant Income Tax Developments Occurring in 2007*, 80 Tax Strategies 37 ( 2008 ).

*The Patenting of Tax Strategies: A Patently Unnecessary Development*, 5 DePaul Bus. & Comm. Law J. 437 ( 2007 ).

*Roundup of Significant Income Tax Developments Occurring in 2006*, 78 Tax Strategies 26 ( 2007 ).

*Analysis of Proposed 409A Regulations-Part 2: Design and Operational Requirements*, 8 Bus. Entities 4 ( April 2006 ).

*Roundup of Significant Income Tax Developments in 2005*, 76 Tax Strategies 36 ( 2006 ).

*Proposed 409A Regulations-Part 1: Deferred Compensation Subject to Section 409A*, 8 Bus. Entities 18 ( Feb. 2006 ).

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*Partnership Provisions of the American Jobs Creation Act of 2004*, 7 Bus. Entities 14 ( May,2005 ).

*S Corporation Rules Liberalized by the American Jobs Creation Act of 2004*, 7 Bus. Entities 20 ( March, 2005 ).

*Roundup of Significant Income Tax Developments in 2004*, 74 Tax Strategies 26 ( 2005 ).

*United States Accounting Standards-Rules or Principles? The Devil is Not in the Details*, 58 U. Miami L. Rev. 1161 ( 2004 ).

*Final Intangible Asset Regulations Make significant Changes in Proposed Rules*, 31 Corp. Tax. 15 ( 2004 ).

*Roundup of Significant Income Tax Developments from 2003*, 72 Tax Strategies 22 ( 2004 ).

*Are Compensatory Stock Options Worth Reforming?*, 38 Gonzaga L. Rev. 535 ( 2003 ).

*Better Late Than Never: A Decade After Indopco, Proposed Intangible Asset Regulations Issued*, 7 Valuation Strategies 26 ( 2003 ).

*Roundup of Significant Income Tax Developments from 2002*, 70 Tax Strategies 35 ( 2003 ).

*Split-Dollar Proposed Regs. Provide Two-Regime Taxing Scheme*, 69 Tax Strategies 260 ( 2002 ).

*IRS Experiments With Research Credit and Issues New Proposed Regulations*, 4 Bus. Entities 40 ( 2002 ).

*Self- Charged Items in Light of Hillman*, 29 J.Real Estate Tax. 71 ( 2002).

*Roundup of Significant Income Tax Developments in 2001*, 68 Tax Strategies 21 ( 2002 ).

*Final Regulations Issued for Applying Look-through Rules to Sales of Pass-through Entities for Purposes of Classifying Capital Gains*, 28 J.Real Estate Tax. 375 ( 2001 ).

*Roundup of Tax Developments for the Year that Was*, 66 Tax Strategies 25 ( 2001 ).

*IRS Issues New Regs. on Basis Adjustments to Intangibles But Confusion Still Reigns*, 28 J.Real Estate Tax. 121 ( 2001 ).

*Cash in on Expanded Opportunities to Use the Cash Method*, 66 Tax Strategies 142 ( 2001 ).

*IRS Issues Final Regs. on Basis Adjustments on Sale or Exchange of Partnership Interests*, 27 J.Real Estate Tax. 284 ( 2000 ).

*Tax-Favored Strategies for Funding a Child's Higher Education*, 27 Est. Planning 21 ( 2000 ).

*Proposed Regs. Apply Look-Through Rules to Sales of Pass-Through Entities in Classifying Capital Gains*, 27 J.Real Estate Tax. 162 ( 2000 ).

*Hypothetical Valuation of Partnership Interests in Sale or Exchange Required by New Final Regulations*, 3 Valuation Strategies 12 ( 2000 ).

*Synopsis of Significant Recent Tax Developments*, 64 Tax Strategies 30 ( 2000 ).

*Final Section 467 Regulations Expand and Clarify Proposed Rules*, 27 J.Real Estate Tax. 65 ( 2000 ).

### Matthew A. Melone, page 3

*For the Introductory Business Law Course Consider an In-Depth Study of Contract Law in an Integrated Business Context*, 17 J. Legal Studies in Business 283 ( 1999 ) ( co-authored with George A. Nation ).

*Final At-Risk Regulations for Qualified Nonrecourse Debt: An Improvement Over Proposed Regulations - But Not By Much*, 26 J. Real Estate Tax. 283 ( 1999 ).

*TRA '97 Makes Major Changes to E.L.P. Audit Procedures*, 16 J. Tax. Of Investments 112 ( 1999 ).

*New Privilege and Burden of Proof Rules: Caution is Advisable*, 16 J. Taxation of Investments 237 ( 1999 ). A modified version of this article was published in U.S. TAXATION of INTERNATIONAL OPERATIONS ¶ 5007.1 ( 1999 ).

*Tax Happenings from the Courts and IRS*, 62 Tax Strategies 33 ( 1999 ).

*Final Regs. Provide Roadmap for Taxpayers on the Roth IRA Bandwagon*, 63 Tax Strategies 33 ( 1999 ).

*Proposed At-Risk Regulations Provide Welcome Clarity to QNR Debt Exception but Some Issues are Left Hanging*, 25 J. Real Estate Tax. 335 ( 1998 ).

*TRA '97 Simplification of Audit Procedures for ELPs May Come at a Price*, 5 J. Limited Liability Co. 119 ( 1998 ).

*Corporate Partnering: The Increasing Applicability of Subchapter K in a Subchapter C World*, 16 J. Tax. of Investments 15 ( 1998 ).

*Distributive Shares and the Varying Interest Rule: Planning Ideas and Open Issues*, 14 J. Partnership Tax 339 ( 1998 ).

*Roundup of Recent Tax Developments*, 60 J. Tax. For Acct. 34 ( 1998 ).

*Electing Large Partnerships: Simplification is not as Simple as it Seems*, 5 J. Limited Liability Co. 63 ( 1998 ).

*Educational Incentives Offer Tax Savings Buried in Tax Complexity*, Tax Ideas ¶ 125 ( Oct. 1998 ).

*Comparative Advantage of LLCs Diminished: Exit Strategies Post-TRA '97*, 4 J. of Limited Liability Companies 154 ( 1998 ).

*Subchapter K in a Subchapter C World: Operational Issues*, 4 J. of Limited Liability Co. 100 ( 1997 ).

*Corporate Partnering: Subchapter K in a Subchapter C World*, 4 J. of Limited Liability Co. 66 ( 1997 ).

*Restructuring LLC Debt to Minimize Adverse Tax Consequences for Borrowers*, 12 Commercial Lending Rev. 50 ( 1997 ).

*The Proposed Section 197 Regulations: Few Surprises, Many Questions, and Abundant Opportunities for the Real Estate Industry*, 25 J. Real Estate Tax. 15 ( 1997 ).

*Provision for Amortizing Intangible Assets Complicates Planning for Retiring LLC Members*, Tax Ideas ¶ 561 ( June 1997 ).

## **Matthew A. Melone, page 4**

*Tax Deductions for Tuition: A Poor Fit Under Existing Law and a Misguided Proposal for Change*, 26 J. Law & Educ. 99 ( 1997 ).

*Section 197 Complicates Planning for Retiring LLC Members*, 58 Tax. for Acct. 292 ( 1997 ).

*Comparative Tax Analysis of LLCs vs. S Corporations*, Tax Ideas ¶ 506 (Dec. 1996 ).

*The Proposed Section 467 Regulations: Long-Awaited Rules Introduce Complexity, Uncertainty, and Opportunities*, 24 J. Real Estate Tax. 261 ( 1997 ).

*Limited Liability Company vs. S Corporation*, 57 Tax. for Acct. 289 ( 1996 ).

*The Information Revolution: Organizational Knowledge and the Capital Expenditure Question*, 50 Tax Lawyer 73 ( 1996 ).

*Significant Income Tax Developments of 1996*, 57 Tax. for Acct. 356 ( 1996 ).

*I.R.C. § 1244 Offers Ordinary Loss Treatment on the Sale of Stock*, Tax Ideas ¶ 257 ( July 1996 ).

*Final Regulations under Section 1374: Built-in Issues and Opportunities*, 23 J. Real Estate Tax. 102 ( 1996 ).

*Anti-Churning Rules Restrict Deductions for Intangibles in Partnership Formations*, Tax Ideas ¶ 565 ( March 1996 ).

*Many Safe Harbors in Publicly Traded Partnership Regs.*, 56 Tax. for Acct. 349 ( 1996 ).

*Income Tax Practice and Certified Public Accountants: The Case for a Status Based Exemption From State Unauthorized Practice of Law Rules*, 11 Akron Tax Journal 47 ( 1995 ).

*Anti-Churning Rules Restrict Deductions for Intangibles*, 55 Tax. for Acct. 160 (1995).

*Unicap Rules are Complicated, but Opportunities Exist*, 55 Tax. for Acct. 14 (1995).

*Shopping for Intangibles at the Mall: The Impact of Section 197 on the Acquisition of Retail Rental Real Estate*, 24 Seton Hall L. Rev. 1825 ( 1994 ).

*Taxable Corporate Acquisitions: A Primer for Business and the Non-Specialist*, 25 U. Toledo L. Rev. 673 ( 1994 ).

### **CASEBOOK:**

*Taxation of Real Estate Transactions, Cases and Problems* ( 2nd ed. Villanova Univ. 1990 ). Co-authored with Professor James E. Maule.

### **MANUSCRIPT:**

*Organizational Knowledge and the New Management Paradigm* ( 1997 ).

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### **OTHER:**

Editorials: *Supreme Court Should Leave Assisted Suicide to the States*, Allentown Morning Call, Dec. 16, 1996 at A7.

*Line-item Veto is Admission by Congress of its Own Failure*, Allentown Morning Call, April 11, 1996 at A19.

Comments on Proposed Regulations. Submitted written comments on the proposed section 467 and 197 regulations to the Internal Revenue Service.

*Caution: Clawbacks of Executive Compensation are No Cure-All*, A New Path Forward 4 ( Lehigh University College of Business & Economics ( 2009 ).

### **PROFESSIONAL EDUCATION:**

I serve as an instructor for various continuing professional education courses in taxation and law. I have authored a course book for use in an employer sponsored seminar on issues of partnership and real estate taxation and co-authored course material on "Accounting Periods and Methods" for presentation at a state society seminar. I served as a lecturer in a national education program provided by Ernst & Young, LLP whereby various courses are team taught by an academic and a practice partner of the firm.

### **EMPLOYMENT**

**LEHIGH UNIVERSITY**, Bethlehem, Pa. 1993 - Present  
Professor of Law, College of Business and Economics. Chair, Faculty Steering Committee; Chair, Faculty Financial Planning and Operations Committee; Member, Undergraduate Curriculum Committee; Member, AACSB Reaccreditation Committee; Member, Vacant Position Review Group; Chair, College Policy Committee; Member, President Search Committee; Member, Diversity Task Force; Member, Integration Task Force; Member, Tresolini Lecture Committee; Member, College - Library liaison group.

**MORGAN, LEWIS & BOCKIUS**, Phila., Pa. May - August 1992  
Summer Associate. Researched and drafted memoranda on a variety of federal, state, and local tax issues.

**VILLANOVA UNIVERSITY SCHOOL OF LAW**, Villanova, Pa. 1989 - 1990 Adjunct Professor for "Taxation of Real Estate Transactions" in the Graduate Tax Program. Prepared course outline, syllabus, problems, and examinations for the course. Prepared the second edition of the casebook in conjunction with a faculty member.

**CERTIFIED PUBLIC ACCOUNTANT**, Wayne, Pa. 1987 - 1990  
Self-employed C.P.A. Primary emphasis was in tax planning and compliance for various corporate and individual clients. Responsibilities included all client service, technical matters, administration of the practice, and training of staff. My client base ranged from a Fortune 200 company to individual tax and estate planning clients.

**KRAVCO COMPANY**, King of Prussia, Pa. 1985 - 1987  
Controller. Managed an accounting department of approximately fifty people and had complete responsibility for budgeting, accounting, and tax matters with respect to regional shopping centers managed by the company.

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**ERNST & WHINNEY**, Philadelphia, PA

1980 - 1985

Tax Manager. Responsible for tax planning, compliance, and research for a diverse client base. I was one of fourteen people selected nationally to attend the firm's Accelerated Tax Training Program established by the National Tax Office in Washington, D.C.

### **PROFESSIONAL LICENSES**

Attorney at Law; Member: Bar of the Commonwealth of Pennsylvania

Certified Public Accountant, Commonwealth of Pennsylvania

### **PROFESSIONAL MEMBERSHIPS**

Member: Academy of Legal Studies in Business

Member: American and Pennsylvania Institutes of C.P.A.s; Member, American Institute of C.P.A.s Tax Division

Member: American Bar Association; Pennsylvania Bar Association; American Bar Association sections of Taxation, Business Law, and Real Estate

### **FELLOWSHIPS & PROFESSIONAL AWARDS**

Class of 1961 Professorship: Recipient of Class of 1961 Professorship for the academic years 2000-01 and 2001-02. This award is granted to a recently tenured faculty member at Lehigh University that has made outstanding contributions to teaching, scholarship, and service at the University.

Kane Fellowship: Joint Recipient of 1996-97 Kane Fellowship Award. This award recognizes a junior faculty member at Lehigh University who exhibits promise in teaching and scholarship.

Alexander E. Loeb Gold Medal Award: Highest score in the Commonwealth of Pennsylvania, November 1980 C.P.A. Examination.

Elijah Watts Sells Award: National Distinction, November 1980 C.P.A. Examination.